

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Cindy Ngoc Dang,

Debtor.

Case No. 19-53391-TJT

Chapter 7

Hon. Thomas J. Tucker

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**EX PARTE APPLICATION FOR ORDER APPROVING  
TRUSTEE'S EMPLOYMENT OF REAL ESTATE BROKER**

**Jurisdiction**

1. Cindy Dang filed a petition for relief under Chapter 7 of the U.S. Bankruptcy Code on September 18, 2019. Homer W. McClarty is the Chapter 7 Trustee.

2. This motion is brought under 11 U.S.C. § 327, Bankruptcy Rule 2014, and Local Bankruptcy Rule 2014-1.

3. This is a core proceeding over which this Court has jurisdiction. *See* 28 U.S.C. § 157(b)(2)(A) and 28 U.S.C. § 1334.

**Basis for Employment Application**

4. The Debtor owns real property at 54556 Pelican Lane, Shelby Township, Michigan. The Trustee believes that there may be non-exempt equity in the estate's interest in the Pelican Lane property.

5. The Trustee seeks to employ ReMax First as broker to market and sell the estate's interest in the Pelican Lane property.

6. ReMax First will list the property based on a commission of 6% of a.) the gross sale proceeds or b.) the gross amount of any compromise the Trustee reaches in lieu of sale. If the Trustee reaches a compromise before the property is listed, or if the case converts, ReMax First will be entitled to compensation for time spent researching the value and consulting with the Trustee at a rate of \$100 per hour, but such compensation will not exceed \$600.

7. If the underlying case proves to be a “no asset case”, ReMax First will not be compensated from the estate.

8. A Declaration of Disinterestedness is attached as Exhibit B as required by Rule 2014 of the Federal Rules of Bankruptcy Procedure.

### **Request for Order**

The Trustee requests this Court enter an order authorizing the Trustee to employ ReMax First as real estate broker, with compensation and reimbursement of expenses subject to court approval.

Steinberg Shapiro & Clark

/s/ Tracy M. Clark (P60262)  
Attorney for Trustee  
25925 Telegraph Rd., Suite 203  
Southfield, MI 48033  
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clark@steinbergshapiro.com

Date: October 18, 2019

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**EXHIBIT LIST**

<u>Exhibit</u>	<u>Description</u>
A	Proposed Order
B	Declaration of Disinterestedness

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**ORDER APPROVING EMPLOYMENT OF REAL ESTATE BROKER**

The Court has considered the Trustee's application to employ real estate broker to sell real property at 54556 Pelican Lane in Shelby Township, Michigan, and finds good cause to enter this order.

IT IS ORDERED as follows:

1. The Trustee's employment of ReMax First as real estate broker is approved on a percentage fee basis under 11 U.S.C. § 328 not to exceed 6% of a.) the gross sale proceeds or b.) the gross amount of any compromise the Trustee reaches in lieu of sale.

2. If the Trustee reaches a compromise concerning the property before it is listed, or if the case converts, ReMax First will be entitled to compensation for time spent researching the property value and consulting with the Trustee at a rate of \$100 per hour, but such compensation will not exceed \$600.

3. All compensation and reimbursement of expenses are subject to court approval.

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**DECLARATION OF DISINTERESTEDNESS**

I, Edward T. Harris, state as follows:

1. I am a licensed real estate agent with the firm of ReMax First, a licensed real estate broker, whose offices are located at 25814 Jefferson Avenue, Saint Clair Shores, Michigan. I am authorized to execute this document on behalf of ReMax First.

2. I have read the Trustee's Application for Order Approving Trustee's Employment of Real Estate Broker.

3. To the best of my knowledge, ReMax First does not hold any interest adverse to the above Chapter 7 estate and is a disinterested entity as defined in 11 U.S.C. § 101(14).

4. To the best of my knowledge, ReMax First does not have any connections with the Debtor, creditors of the Debtor, or any other party in interest, including their respective accountants and attorneys, the U.S. Trustee, or any person in the office of the U.S. Trustee.

5. The Debtor has numerous creditors and it is possible that ReMax First has rendered services or had business associations with such creditors or their counsel in the ordinary course of business, but none of these services have been in connection with, nor impact, this proceeding.

6. ReMax First understands that all compensation and reimbursement of expenses are subject to court approval.

7. ReMax First understands that assets of this estate may not be sold to the Trustee of this case, any panel trustee, any professional regularly employed by the Trustee, any family members of the Trustee or professional, or any employee of the Trustee or professional.

I declare under penalty of perjury that the foregoing is true and correct.

ReMax First

/s/ Edward Harris, CREA CRS  
GRI e-PRO® ABR®  
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Date: October 16, 2019